UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-378-MOC
(3:12-cr-13-MOC-DCK-6)

OTIS SUTTON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	**ORDER**
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
	)	

      THIS MATTER is before the Court on Respondent's Motion for Extension of Time, (Doc. No. 19), and Petitioner's Unopposed Motion to Stay Case, (Doc. No. 20).

      Petitioner filed a Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255 raising a challenge to his conviction for violating 18 U.S.C. § 924(c) pursuant to Johnson v. United States, 576 U.S. 591 (2015). (Doc. No. 1). The Court stayed this matter for several years pending developments in the case law. See (Doc. Nos. 6, 15, 18).

      Petitioner now asks the Court to stay this case pending the Fourth Circuit Court of Appeal's consideration of United States v. Dickerson, Fourth Cir. Case No. 20-6578, in which it will determine whether a § 924(c) conviction is subject to vacatur where the indictment charged multiple predicates, one of which is invalid. Counsel for the Government consents to the Motion to Stay. (Doc. No. 20 at 2).

      The Court finds that the Motion to Stay is in the interest of justice and judicial economy and will be granted pending the Fourth Circuit's resolution of Dickerson.
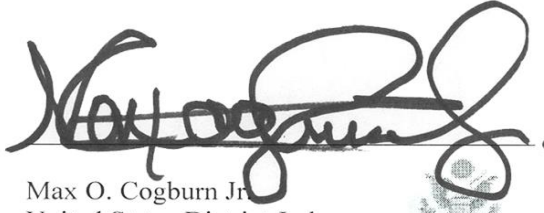
      The Government's Motion for an Extension of Time, in which it sought additional time in

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which to respond to the § 2255 Motion to Vacate, will be denied as moot.

IT IS, THEREFORE, ORDERED that:

1. Petitioner's Unopposed Motion to Stay Case, (Doc. No. 20), is **GRANTED**.

2. The case is held in abeyance pending the Fourth Circuit's consideration of <u>United States v. Dickerson</u>, No. 20-6578. The Government shall have **30 days** following the Fourth Circuit's issuance of its mandate in <u>Dickerson</u> to file an answer, motion, or other response to the § 2255 Motion to Vacate.

3. The Government's Motion for Extension of Time, (Doc. No. 19), is **DENIED** as moot.

Signed: July 22, 2021

Max O. Cogburn Jr.
United States District Judge

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